

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

Case No. 19-01995

Florencio Escobar

Chapter 13

Debtor.

Hon. Judge Timothy A. Barnes

**NOTICE OF MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION AS
TRUSTEE OF THE TIKI SERIES III TRUST TO MODIFY AUTOMATIC STAY**

VIA ELECTRONIC NOTICE:

Michael A. Miller, The Semrad Law Firm, LLC, 20 S. Clark, 28th Floor,
Chicago, IL 60603

Marilyn O. Marshall, 224 South Michigan Ste 800, Chicago, IL 60604

VIA U.S. MAIL:

Florencio Escobar, PO Box 32094, Chicago, IL 60632

City of Chicago - Dept of Finance - Water Division, 333 S. State St. #410, Chicago, IL
60604

PLEASE TAKE NOTICE that on July 12, 2022, we have electronically sent for filing with the Clerk of the U.S. Bankruptcy Court, a Motion of U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust to Modify Automatic Stay, a copy of which is hereto attached.

Please take notice that on August 4, 2022 at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Timothy A. Barnes, or any judge sitting in that judge's place, and present the attached ***Motion of U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust to Modify Automatic Stay***, which has been electronically filed this date with the Clerk of the U.S. Bankruptcy Court for the Northern District of Illinois, a copy of which is hereby attached and served upon you by electronic notice or U.S. Mail.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is **161 329 5276** and the password is **433658**. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion without a hearing.

Dated: July 12, 2022

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)
Sottile & Barile, Attorneys at Law
394 Wards Corner Road, Suite 180
Loveland, OH 45140
Phone: 513.444.4100
Email: bankruptcy@sottileandbarile.com
Attorney for Movant

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named parties by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 394 Wards Corner Rd., Suite 180, Loveland, OH 45140 on July 12, 2022, before the hour of 5:00 p.m.

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)
Attorney for Movant

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re: Case No. 19-01995

Florencio Escobar Chapter 13

Debtor. Hon. Judge Timothy A. Barnes

**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF THE
TIKI SERIES III TRUST FOR RELIEF FROM STAY**

NOW COMES U.S. Bank Trust National Association as Trustee of the Tiki Series III Trust (hereinafter, "Movant"), a secured creditor herein, by and through its attorneys, the law firm of Sottile & Barile, LLC, moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 11 U.S.C. §§361, 362 and 363 of the United States Bankruptcy Code.
2. On July 31, 2008, the Debtor did execute a certain Note in the amount of \$231,000.00 (Exhibit A), secured by a Mortgage on the property commonly known as 5031 SOUTH SEELEY AVENUE, CHICAGO, IL 60609-4725 (Exhibit B).
3. On September 15, 2009, the Debtor entered into a Loan Modification Agreement effective August 1, 2009 (Exhibit C).
4. On January 17, 2019, the Debtor entered into a Loan Modification Agreement effective January 1, 2019 (Exhibit D).

5. Enforcement of Movant's security interest has been stayed automatically by operation of 11 U.S.C. § 362 of the Bankruptcy Code upon Debtor's filing of this petition on January 24, 2019.
6. The Debtor's Modified Chapter 13 Plan was confirmed on April 11, 2019. Section 3 of the Modified Plan provides for the Debtor to make current monthly mortgage payments directly to Movant and provides for Movant to receive monthly disbursements from the Chapter 13 Trustee to cure the pre-petition arrearage claim.
7. As of July 11, 2022, there remains due and owing on the Note and Mortgage referenced in paragraph two hereof, the unpaid principal balance of \$243,464.68.
8. The Debtor is delinquent on post-petition mortgage payments to Movant. As of July 11, 2022, the loan was past due for November 1, 2021 through July 1, 2022 for a default of \$9,454.37 in addition to late charges and attorney fees and costs.
9. Continuation of the automatic stay will cause irreparable harm to Movant and will deprive it of the adequate protection to which it is entitled.
10. This Court has authority to order that Rule 4001(a)(3) is waived to the order entered in granting this motion, and Movant requests this Court so order.

WHEREFORE, Movant prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant, and for such other and further relief as this Court may deem just and proper.

Dated: July 12, 2022

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)

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Attorney for Movant